

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JASON BERGER,

Plaintiff,

18-CV-8956 (CS)

– against –

**ORDER TO SHOW CAUSE**

IMAGINA CONSULTING, INC.,

Defendant.  
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Seibel, J.

On April 5, 2019, Defendant filed a letter with the Court requesting a discovery conference. (Doc. 27.) That same day, I granted Defendant's request and scheduled a discovery conference for April 12, 2019 at 11 a.m. (Doc. 28.) I also ordered Plaintiff to respond to Defendant's letter by April 9, (*id.*), which Plaintiff did, (Doc. 30). On April 12, the Court held the discovery conference, but Plaintiff's counsel, Mr. Liebowitz, did not appear and never called or emailed the Court to explain his absence. (Minute Entry dated Apr. 12, 2019.) My courtroom deputy attempted to reach Mr. Liebowitz at his office and on his cell phone, but he could not be reached, even after my courtroom deputy left a voicemail on his cell phone. It appears that Mr. Liebowitz was aware that the discovery conference had been scheduled for today because he knew to respond to my April 5 order, which included the date and time of the discovery conference. (Doc. 28.)

Accordingly, Plaintiff is hereby ORDERED to SHOW CAUSE in writing, on or before April 17, 2019, why:

1. He failed to appear for today's discovery conference; and

2. He should not be required to pay Defendant's attorney's fees for the time expended while appearing at today's discovery conference.

Further, the Court will hold what should have been today's discovery conference on April 18, 2019, at 12:15 p.m. The Clerk of Court is respectfully directed to serve this Order to Show Cause on Plaintiff by mail.

**SO ORDERED.**

Dated: April 12, 2019  
White Plains, New York

  
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CATHY SEIBEL, U.S.D.J.